

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (previously presented) A metal pigment for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions ~~or the like~~, characterized

in that a metallic substrate has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and metallic substrate;
and

the metallic core consists of aluminum exclusive impurities, 100% of the grain size is < 75 μ m and 95% is < 45 μ m and the content of mercury is <= 1 ppm, of arsenic <= 3 ppm, of lead <= 20 ppm, and the Al content is >= 99%.

2. (original) A metal pigment according to claim 1, characterized in that the layer is compatible with a binding agent or carrier of the cosmetic preparation.

3. (Previously Presented) A metal pigment according to claim 1, characterized in that the layer contains inorganic material or consists of it.

4. (Currently Amended) A pigment according to claim ~~1~~ 3, characterized in that the inorganic material is selected from the group consisting of silicon oxide, titanium oxide, aluminum oxide, iron oxide, cerioxide and chromium oxide or corresponding hydrates as well as mixtures thereof.

5. (Previously Presented) A pigment according to claim 1, characterized in that the layer contains organic material or consists of it.

6. (Currently Amended) A pigment according to claim ~~1~~ 5, characterized in that the organic material contains polyacrylates, silicones, polyolefins, polystyrol, polyesters, cellulose esters, polyamides, phosphor-organic substances, organically modified silanes, organically modified titanates, organically modified zirconates, as well as mixtures thereof.

7. (Currently Amended) A pigment according to claim 1, characterized in that the layer thickness of the ~~encapsulation~~ substrate-enclosing layer is 5 to 500 nm.

Claim 8-9 (Cancelled).

10. (Currently Amended) A pigment according to claim 1, ~~characterized in that the metallic core consists of aluminum,~~ wherein the content of mercury is ≤ 1 ppm, of arsenic ≤ 3 ppm, of lead ≤ 10 ppm, of cadmium ≤ 1 ppm, of heavy metals (as lead) ≤ 40 ppm, the drying loss at 105°C is $\leq 0.5\%$, and the Al content is $\geq 99\%$.

11. (Currently Amended) A metal pigment according ~~of claim 1~~ in the form of a bronze pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

~~characterized in that the metallic core contains a~~ content of copper of 70 to 95%, a content of zinc $\leq 30\%$ and a content of aluminum and tin of $\leq 0.5\%$ in each case, and the content of cadmium is ≤ 15 ppm, of lead ≤ 20 ppm, of arsenic ≤ 3 ppm and of mercury ≤ 1 ppm, and 95% of the grain size is $< 45 \mu\text{m}$.

12. (Currently Amended) A metal pigment according to claim 1 in the form of a copper pigment, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

~~characterized in that~~ the metallic core has a content of copper $\geq 95\%$ and the content of cadmium is ≤ 15 ppm, of lead ≤ 20 ppm, of arsenic ≤ 3 ppm and of mercury ≤ 1 ppm, and 95% of the grain size is $< 45 \mu\text{m}$.

13. (Currently Amended) A metal pigment~~according to claim 1,~~ for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that

a metallic substrate or core has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and

prevents direct contact between skin and the metallic substrate; and

~~characterized in that the metallic core consists of silver exclusive of impurities, the content of mercury is ≤ 1 ppm, of arsenic ≤ 5 ppm, of lead ≤ 10 ppm, and the content of silver is ≥ 99.9 99.5%.~~

14. (Currently Amended) A pigment according to claim ~~1~~ 13, ~~characterized in that the metallic core consists of silver and~~ wherein the content of silver in the core is ≥ 99.5 99.9%.

15. (Currently Amended) A metal pigment ~~according to claim 1, for a cosmetic preparation, such as lipstick, nail polish, eye shadow, hair colorant, liquid mascara, powder, eyeliner, rouge, skin/hair care products, perfume, eau de toilette, lotions, characterized in that~~

a metallic substrate or core has a substrate-enclosing layer produced by the sol-gel process, which provides a barrier effect against sweat and saliva and prevents direct contact between skin and the metallic substrate; and

~~characterized in that the metallic core consists of, exclusive of incidental impurities, $\geq 90\%$ gold, the~~

~~content of silver is \leq 7% silver, of copper and \leq 4%
copper, and the content of gold is \geq 90%.~~

16. (Previously Presented) A pigment according to claim 1, characterized in that the pigment is provided with a coating, wherein the weight ratio of coating to metallic core is between 1 and 0.001.

17. (Previously Presented) A pigment according to claim 1, characterized in that the metallic substrate is a metal pigment produced through grinding with lubricants of plant origin.

18. (Previously Presented) A pigment according to claim 1, characterized in that the metallic core is formed flake-like with a diameter of 1 to 100 μm and a mean thickness of 0.05 to 2 μm .

19. (Previously Presented) A method for producing a pigment according to claim 1, characterized in that the metallic substrate particles are coated without additional pretreatment in a sol-gel process in alcoholic-aqueous solution through hydrolysis and vapor depositing of organic metal oxide pre-stages and optionally with the use of suitable catalysts.

20. (Previously Presented) A cosmetic preparation containing a pigment according to claim 1.

21. (New) The metal pigment according to claim 11 wherein the layer contains an organic material comprising a polyacrylate, a silicone, a polyolefin, polystyrol, a polyester, a cellulose ester, a polyamide, a phosphor-organic substance, an organically modified silane, an organically modified titanate, an organically modified zirconate, or a mixture thereof.

22. (New) The metal pigment according to claim 12 wherein the layer contains an organic material comprising a polyacrylate, a silicone, a polyolefin, polystyrol, a polyester, a cellulose ester, a polyamide, a phosphor-organic substance, an organically modified silane, an organically modified titanate, an organically modified zirconate, or a mixture thereof.